IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld) No. 195 of 2005
in
Writ Petition No. 159 of 2005

K.S.Jhunjunwala ..Appellant

vs.

1. Municipal Corporation of
Greater Bombay and ors. ..Respondents

Shri A.Y.Sakhare i/b Shri S.V.Sadavarte for appellants.
Shri Vasant Mahadik for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
22nd March, 2005

P.C.

1. Heard Advocates.

2. It appears that the appellant's structure is not reflected in the city survey plan. It appears that he has converted the garage tool shed into a regular construction and he has put up new rooms in the compulsory open space violating the Development Control Rules. The area wherein the construction has been unauthorisedly put up by the appellant is earmarked in the plan as an open area and no construction is permissible in the said area. It appears that the builder has converted the open space into private area with iron gate to prevent access to the members of the society. In the circumstances, the learned single Judge has rightly

described this as a brazen act to defeat the right of the members of the society to the enjoyment of the common open space. No interference is, therefore, called for with the order of the learned single Judge. Appeal is dismissed.